

REMARKS

The present invention relates to an isocyanate-reactive component useful for the production of a rigid closed cell polyurethane foam by a RIM process. The isocyanate-reactive component of the present invention includes from 0.5 to 30% by weight of a polyol based on vegetable oil, fish oil or oil derived from animal fat, from 5 to 80% by weight of another isocyanate-reactive material having a functionality of at least 1 and a number average molecular weight of from 400 to 10,000, a chain extender, a blowing agent and a catalyst.

Claims 1-7 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Kurth (U.S. 6,180,686). Applicant continues to traverse this rejection.

The Kurth reference was discussed and distinguished over the present invention in Applicant's previous responses. This discussion will not be repeated. Rather, Applicant will address the specific points raised in the Final Action of the Examiner.

The Examiner has maintained that Applicant's showings are not commensurate in scope with the claimed invention because the showings are made with only one member of the claimed component a), one specific combination of polyols from their claimed component b), and no selectivity among the chain extender/crosslinkers, blowing agents, and catalysts of their claims.

A *prima facie* case of obviousness may be rebutted by demonstrating that the claimed invention produces results which could not have been predicted from the teachings of the prior. Such unexpected results are demonstrated by comparing the claimed invention with the closest prior art. In the present case, Kurth is the only prior art cited. The foam-forming systems disclosed by Kurth are therefore the closest prior art.

The **only** polyols disclosed as being suitable for the Kurth foam-producing systems which are also within the scope of Applicant's claimed invention are soy-based polyols.

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Applicant's demonstration that surprising and unexpected results are achieved by her claimed invention when a soy-based polyol is used is therefore a comparison with the closest prior art and does therefore constitute evidence which rebuts any *prima facie* case of obviousness based upon the Kurth disclosure.

No other prior art which teaches the use of other bio-based polyols in foam-forming systems of the type being claimed by Applicant has been cited. No prior art or authority which teaches that soy-based polyols are equivalent to all bio-based polyols in components such as that being claimed by Applicant has been cited.

The only prior art over which Applicant must distinguish her claimed invention is the Kurth disclosure. Applicant **has** presented data demonstrating that properties which could not have been predicted from Kurth's teachings are achieved when soy-based polyols are employed in the isocyanate-reactive component of the present invention.

In response to the Examiner's criticism with respect to the use of only one specific combination of polyols from claimed component b), Applicant would point out that Kurth teaches that no petroleum-derived polyols should be included in the disclosed systems.

The fact that Applicant has demonstrated surprising and unexpected results with only a single combination of polyols when the only cited prior art teaches that no such polyols should be used does **not** therefore constitute a valid basis for criticism of Applicant's comparative showings.

In response to the Examiner's criticism with respect to blowing agents, catalysts, chain extenders/cross linking agents, Applicant would direct the Examiner's attention to the fact that Kurth teaches that any of the known blowing agents and crosslinking agents and catalysts may be used. It is the use of the vegetable oils which Kurth teaches to be the critical feature of the disclosed systems.

One skilled in the art reading the teachings of Kurth would not therefore expect that selection of a particular blowing agent or crosslinking agent would be a determinative factor in an evaluation of whether the vegetable oil taught by Kurth could be used in combination with some specific petroleum-based polyols but not others.

The fact that Applicant has not demonstrated surprising and unexpected results using a wide variety of known catalysts, chain extenders, blowing agents, etc. does not therefore constitute a valid basis for criticizing Applicant's comparative showings.

Applicant would further note that Claim 7 is specifically directed to a soybean-based polyol, a polyether polyol and a water blowing agent. The criticisms of Applicant's showings with respect to components a) and b) made in the Final Office Action are not therefore applicable to Claim 7.

Applicant would also note that there are a large number of materials known to those skilled in the art which would come within the scope of Applicant's components a), b), c), d) and e), however, no indication as to what other components a), b), c), d) or e) would constitute a sufficiently "representative" showing has been given by the Patent Office. In view of the fact that the only cited prior art (1) discloses only soybean oils; (2) teaches that no petroleum-based polyols should be used; and (3) teaches that any of the known blowing agents, catalysts, and cross-linking agents may be used, Applicant is unable to determine what other comparative showings are considered necessary to convince the Patent Office of the patentability of her claimed invention over the teachings of Kurth.

In short, Applicant has compared the embodiments of her claimed invention which are closest to those disclosed in the only prior art cited in this case. Applicant believes that these comparisons clearly demonstrate that her invention produces foams with improved properties that could not have been expected by one skilled in the art reading the Kurth disclosure.

For these reasons and those discussed in her previous responses, Applicant continues to maintain that her invention as claimed in Claims 1-7 is not rendered obvious by the teachings of Kurth as has been demonstrated by the comparative

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showings presented in her Declaration of March 3, 2005 and in the Examples given in the specification.

Withdrawal of this rejection is therefore requested.

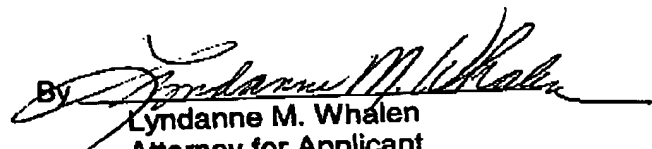
Claims 1-7 further stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 1-10 of U.S. Patent No. 6,649,667. Applicant continues to believe that this rejection is improper. However, in an effort to expedite the prosecution of this application, a terminal disclaimer over U.S. Patent 6,649,667 is enclosed.

It is believed that this enclosed terminal disclaimer removes the basis for this rejection.

Withdrawal of this rejection is therefore requested.

In view of the above remarks, reconsideration and allowance of Claims 1-7 are respectfully requested.

Respectfully submitted,

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